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want the support of this House and it is our desire to take the views of both the Houses of Legislature. We are going to meet in December and from now to December, there is plenty of time for a communication or direction from the Government of India asking us for our opinion. The Working Committee has made its report to the Government of India and it is not in the nature of a direction to us. I can give this assurance to the House that we shall certainly consult the House when the matter is ripe enough for discussion."

DR. V. K. JOHN :—" My only anxiety is that before any definite decision is taken by the Government, this House should have an opportunity of expressing its views."

MR. PRESIDENT :—" They must make some proposals and put them up before the House for its discussion."

DR. V. K. JOHN :—" Before they finally make up their mind on any proposal, let us have an opportunity to discuss the proposals so that we may express our views."

THE HON. DR. T. S. S. RAJAN :—" I should think they must be forwarding to us some proposals so that we put them up before the House and take its opinion; what is the use of a discussion without any proposals being placed before it?"

DR. V. K. JOHN :—" If that is done, I shall be satisfied."

The motion was not therefore moved.

III.—MESSAGE FROM THE ASSEMBLY.

11-45 a.m. MR. PRESIDENT :—" I have to announce to the House the following message received from the Hon. Speaker of the Madras Legislative Assembly, dated 15th November 1949 :—

'I am to inform you that the report of the Joint Select Committee on the Madras Buildings (Lease and Rent Control) Amendment Bill, 1948 (L.A. Bill No. 24 of 1948), was presented to the Legislative Assembly on the 15th November 1949, but the Bill was not further proceeded with as the Madras Buildings (Lease and Rent Control) Act, 1946, to which it relates ceased to be in force since 1st October 1948'."

IV.—(1) ELECTION OF ONE MEMBER FROM THE LEGISLATIVE COUNCI TO THE SOUTH INDIAN RAILWAY ADVISORY COMMITTEE.

MR. PRESIDENT :—" I have to announce to the House that Sri S. B. Adityan, M.L.C., is the only candidate duly nominated for a seat in the Advisory Committee of the South Indian Railway. I hereby declare him duly elected."

(2) ELECTION OF SIX MEMBERS TO THE HOUSE COMMITTEE.

MR. PRESIDENT :—" I have to announce to the House that the following candidates were nominated for election to the House Committee :—

(1) Dr. Syed Tajuddin.

(2) Sri H. M. Jagannatham.

(3) Dr. P. S. Srinivasan.

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(4) Sri P. Veerabhadraswami.

(5) Sri L. Subbarama Reddi.

(6) Sri S. A. S. R. M. Ramanathan Chettiyar.

As the number of candidates nominated is equal to the number of vacancies to be filled, i.e., six, I hereby declare them to have been duly elected to the House Committee.

" In addition to the above, under rule 143 of the Madras Council Rules, I nominate the following two members to be members of the said Committee :—

(1) Mrs. M. Hensman.

(2) Sri R. Suryanarayana Rao."

GOVERNMENT BILL.

V.—THE MADRAS MAINTENANCE OF PUBLIC ORDER BILL, 1949 (L.A. BILL No. 24 OF 1949).

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, I beg to move—

' *that the Madras Maintenance of Public Order Bill*, 1949 (*L.A. Bill No.* 24 *of* 1949), *as passed by the Legislative Assembly be taken into consideration at once.*'

" Sir, on the 28th June 1949, a report appeared in the '*Hindu*' to the effect that the Calcutta High Court had declared the West Bengal Security Act to be ineffective for the reason that there was no valid extension of the provisions of the Act after its expiry, as the Governor was not a party to the motion for an extension which was passed by the Provincial Legislature. This ruling was based on the decision of the Federal Court of India in Jyotindra Nath Gupta's case under the Bihar Maintenance of Public Order Act, 1947. The proviso to section 1 (3) of the Bihar Act was as follows :—

' Provided that the Provincial Government may, by notification, on a resolution passed by the Bihar Legislative Council, direct that this Act shall remain in force for a further period of one year with such modifications, if any, as may be specified in the notification.'

The Federal Court held that this proviso was *ultra vires* on the ground that it amounted to a delegation of legislative power by the Provincial Legislature to the Provincial Government, in so far as the latter is empowered (1) to extend the Act for a period of one year, which amounts to re-enacting the Act, and (2) to modify its provisions which may amount to a subtracting from, adding to or varying the existing provisions of the Act which is clearly a legislative power. It was held that the Provincial Legislature had no power to creat a subordinate legislative authority delegating to it its own powers.

" It may, however, be mentioned that the provision in the Bihar Act was based on a number of precedents, English and Indian. In the English Act, the Reserve and Auxiliary Forces Act, 1939, there is a similar provision, which is as follows :—

' 6 (1) Subject to the provisions of this section, this Act shall continue in force for the period of three years beginning with the date of the passing of this Act, and shall then expire: